

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

Hearing Date: April 27, 2011
Hearing Time: 10:30 a.m.
Hearing Location: Albany, New York

In re:

BARBARA J. BOUCHEY,

Bk. No. 10-12207-REL

Debtor.

MOTION OBJECTING TO DEBTOR'S CLAIM OF EXEMPTIONS

Clare W. Bronfman and Sara R. Bronfman ("Bronfmans"), by their counsel, Damon Morey LLP, state as follows:

1. Barbara J. Bouchey (the "Debtor") filed a Voluntary Petition seeking relief under Title 11 U.S.C. (Chapter 11 Bankruptcy Code) on June 11, 2010 (the "Filing").

2. Bronfmans are creditors of the Debtor.

3. The Debtor listed ownership of a 2007 Lexus in Schedule B of her Bankruptcy Schedules with a value of \$30,500.00 and claimed an exemption for the 2007 Lexus in the amount of \$13,500.00 in her Schedule C.

4. The most recently continued date for the Debtor's 341 Meeting was March 7, 2011, however, it is not clear if the 341 Meeting was closed on that date or not. Counsel for the Bronfmans is awaiting a return call from the United States Trustee's Office regarding whether it intends to continue the 341 Meeting.

5. If the 341 Meeting was closed on March 7, 2011, then the last day to object to the Debtor's claimed exemption expires on April 6, 2011, such that this Objection to the above-described exemption is being raised at this time.

6. Pursuant to New York Debtor and Creditor Law §282(1) at the time of the Filing, the maximum amount which could be claimed as an exemption by the Debtor in a motor vehicle

was \$2,400.00. The Debtor has instead claimed an exemption in the amount of \$13,500.00, \$11,100.00 more than she is statutorily allowed to claim.

7. The amount of the Debtor's exemption will impact any Plan or Reorganization in this case as the amount of equity in the Debtor's vehicle will need to be factored into a liquidation analysis to show that that creditors would receive more through a proposed Plan of Reorganization than they would in a Chapter 7 case.

8. Accordingly, Bronfmans hereby object to the Debtor's claimed exemption to the extend that it exceeds \$2,400.00.

9. No previous Application for the relief sought has been made.

WHEREFORE, Bronfmans respectfully request that an Order be entered sustaining their Objection to the exemption claimed by the Debtor described above.

Dated: Buffalo, New York
April 6, 2011

DAMON MOREY LLP

By: /s/Bernard Schenkler
William F. Savino, Esq.
Bernard Schenkler, Esq.
*Attorneys for Clare W. Bronfman and
Sara R. Bronfman*
The Avant Building, Suite 1200
200 Delaware Avenue
Buffalo, New York 14202-2150
(716) 856-5500

#1568857